IN THE UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TEXAS BEAUMONT DIVISION

C. AND C.S., FOR THEIR	§	
MINOR DAUGHTER H.S.	§	
Plaintiffs	§	
	§	
v.	§	C.A. NO. 1:09-cv-374
	§	
SILSBEE INDEP. SCH. DIST.,	§	
SUP'T. RICHARD BAIN, JR.,	§	
PRIN. GAYE LOKEY, SISSY	§	
MCINNIS, DAVID SHEFFIELD,	§	
CHRISTIAN ROUNTREE, and	§	
RAKHEEM BOLTON	§	
Defendants.	§	

RESPONSE TO COURT ORDER

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW, Gaye Lokey and Sissy McInnis, by their attorney, and make and file this their Response to the Court's Order regarding the award of attorney fees and costs, and would show unto the Court:

- 1. By Order filed February 23, 2010 [Clerk Document No. 56], the Court awarded attorney's fees and costs to Defendants Gaye Lokey and Sissy McInnis from Plaintiffs in the cause above numbered and styled.
- 2. In its Order the Court directed Defendants to submit the following additional information to support their attorney's fees and costs claims: attorneys' time records to establish the compensable time at issues; evidence of the appropriate hourly rate; and evidence documenting the costs incurred.

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3. The Order required Defendants to furnish the requested supporting information on

or before March 5, 2010.

4.

Accordingly, attached hereto and incorporated by reference are these Defendants'

monthly invoices related to this suit for the period July 1, 2009 through February, 2010, together

with an affidavit by John W. Newton III authenticating the attorney's time records and invoices,

with attorney fees and costs; acknowledging that the hourly rates charged by Defendants'

counsel in this case are those customarily charged in this area for the same or similar services by

attorneys of comparable experience, reputation and ability, considering the nature of the

controversy, the time limits imposed, and the results obtained compared with results in similar

cases.

5. Further, Defendants' documentation establishes that, since the Court entered Final

Judgment on October 23, 2009 [Docket No. 47], these Defendants have incurred additional

attorney fees which now total \$697.50, and \$0.88 in additional costs, as authenticated in the

exhibits attached hereto and incorporated by reference.

WHEREFORE, PREMISES CONSIDERED, Defendants Gaye Lokey and Sissy McInnis

pray that the Court award to them attorney fees and costs from Plaintiffs, based on the evidence

attached and incorporated herein, in the total amounts of \$13,950.00 and \$313.64, respectively,

pursuant to the Court's Order filed February 23, 2010, in accordance with 42 U.S.C. § 1998, as

amended.

Respectfully submitted,

ROACH & NEWTON, L.L.P.

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By: /s/ John W. Newton, III

John W. Newton III

Texas State Bar No. 14983300

ATTORNEY FOR DEFENDANTS
GAYE LOKEY AND SISSY MCINNIS

(s/ John W. Newton, III

John W. Newton III

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing instrument was properly mailed to all counsel of record by:
United States Mail, postage prepaid and sealed;
United States Certified Mail, return receipt requested;
hand-delivery;
Federal Express;
facsimile;
<u>x</u> eFile
on this the 5 th day of March, 2010.